

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: PHILIPS RECALLED CPAP, BI-
LEVEL PAP, AND MECHANICAL
VENTILATOR PRODUCTS
LITIGATION

This Document Relates to: All Actions
Asserting Claims for Medical Monitoring

Master Docket: Misc. No. 21-mc-1230-JFC

MDL No. 3014

**UNOPPOSED MOTION OF PROPOSED SETTLEMENT CLASS
REPRESENTATIVES FOR PRELIMINARY APPROVAL OF CLASS
SETTLEMENT AGREEMENT AND RELEASE OF MEDICAL MONITORING
CLAIMS AND TO DIRECT NOTICE TO THE PROPOSED SETTLEMENT CLASS**

The proposed Settlement Class Representatives, Elizabeth Lemus and Marilynn Sweeney, hereby respectfully move the Court for an Order to, among other things: (1) conditionally certify the proposed Settlement Class; (2) preliminarily approve the Settlement; (3) determine that the Settlement appears fair, reasonable, and adequate within the meaning of Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure; (4) order that appropriate notice be provided to the Settlement Class pursuant to the terms of the Settlement Agreement and Federal Rule of Civil Procedure 23(c)(2)(A); (5) give Settlement Class Members the right to object to the Settlement; (6) inform Settlement Class Members that they do not have the right to opt out of the Settlement; (7) inform Settlement Class Members that they will be bound by the Final Order and Judgment; (8) stay and enjoin Settlement Class Members from pursuing all Medical Monitoring Claims against Defendants and the other Released Parties, whether in the MDL Court or in any other court or tribunal, until such time as the MDL Court has determined whether to enter the Final Order and Judgment; (9) schedule the Final Fairness Hearing following entry of the Preliminary Approval Order; (10) appoint BrownGreer PLC as the Notice Administrator; (11) appoint BrownGreer PLC

as the Qualified Settlement Fund (“QSF”) Administrator; (12) appoint Wolf Global Compliance as the Settlement Administrator; (13) appoint Huntington National Bank as the Custodian Bank; (14) appoint the Settlement Class Representatives; (15) appoint Settlement Class Counsel; (16) order the establishment of the Settlement Fund, as set forth in the Settlement Agreement; (17) order the payment of all reasonable costs of Class Notice and Settlement Administration, as set forth in the Settlement Agreement; (18) find that the Settlement Fund is a “Qualified Settlement Fund” as defined in Section 468B-1(c) of the Treasury Regulations; and (19) provide that any objections by any Settlement Class Member to the Settlement shall be heard and any papers submitted in support of said objections shall be considered by the MDL Court at the Final Fairness Hearing only if, on or before the conclusion of the Objection Period specified in the Settlement Notice and the Preliminary Approval Order, such Settlement Class Member follows the required procedures.

The Philips Defendants do not oppose this Motion.

In further support of this Motion, proposed Settlement Class Representatives submit the accompanying Brief in support of Preliminary Approval; the proposed Settlement Agreement, with attachments; the proposed Preliminary Approval Order; the declaration of Settlement Class Counsel; and the declaration of Orran L. Brown, Sr. on behalf of the proposed Notice Administrator, BrownGreer PLC.

Proposed Settlement Class Representatives respectfully request a hearing on this Motion.

Proposed Settlement Class Representatives further request that their Motion be granted, and a proposed Preliminary Approval Order is attached hereto.

Dated: May 9, 2024

Respectfully submitted,

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